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**PALM BEACH COUNTY
BIOTECHNOLOGY DEVELOPMENT DISTRICT**

ORDINANCE NO. 2004-049

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ORDINANCE NO. 2004- 049

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, CREATING THE PALM BEACH COUNTY BIOTECHNOLOGY DEVELOPMENT DISTRICT AS A DEPENDENT SPECIAL DISTRICT PURSUANT TO SECTION 189.4041, FLORIDA STATUTES; PROVIDING A SHORT TITLE; PROVIDING LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR THE BOUNDARIES OF THE DISTRICT; PROVIDING DEFINITIONS; PROVIDING FOR THE PURPOSE AND POWERS OF THE DISTRICT; DESIGNATING THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AS THE GOVERNING BODY OF THE DISTRICT; DECLARING THAT THE CREATION OF THE DISTRICT IS CONSISTENT WITH THE APPROVED PALM BEACH COUNTY COMPREHENSIVE PLAN; PROVIDING ADMINISTRATION; PROVIDING REQUIREMENTS FOR MEETINGS AND NOTICE; PROVIDING REQUIREMENTS FOR REPORTS, BUDGETS AND AUDITS; AUTHORIZING THE LEVY OF NON-AD VALOREM ASSESSMENTS AND PROVIDING PROCEDURES FOR THE LEVY AND COLLECTION THEREOF; AUTHORIZING THE ADOPTION OF RATES, FEES AND CHARGES FOR THE USE OF THE SERVICES AND FACILITIES OF THE DISTRICT AND THE COLLECTION AND ENFORCEMENT THEREOF; AUTHORIZING THE LEVY AND COLLECTION OF IMPACT FEES; AUTHORIZING THE ISSUANCE OF OBLIGATIONS OF THE DISTRICT; PROVIDING FOR CONSTRUCTION; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

1 ARTICLE I

2 AUTHORITY, DEFINITIONS, AND FINDINGS

3 SECTION 1.01. AUTHORITY.

4 Article VIII, Section 1 of the Florida Constitution and Sections 125.01 and 125.66,
5 Florida Statutes, grant to the Palm Beach County Board of County Commissioners all powers
6 of local self-government to perform county functions and to render services for county
7 purposes in a manner not inconsistent with general or special law, and such powers may be
8 exercised by the enactment of county ordinances. This Ordinance is adopted pursuant to
9 Chapter 125 and 189, Florida Statutes, and the Palm Beach County Home Rule Charter adopted
10 by Ordinance No. 84-8, as amended.

11 SECTION 1.02. POPULAR NAME.

12 This Ordinance shall be known as the "Biotechnology Development District
13 Ordinance."

14 SECTION 1.03. DEFINITIONS.

15 When used in this Ordinance, the following terms shall have the following meanings
16 unless the context clearly requires otherwise.

17 "Annual Assessment Resolution" means the resolution described in Section 4.08
18 hereof, approving an Assessment Roll for a specific Fiscal Year.

19 "Assessment" means a non-ad valorem special assessment imposed by the District
20 pursuant to this Ordinance and the Uniform Assessment Act, to fund all or part of the Capital
21 Cost, Service Cost, or Project Cost of any District Facilities or District services. The term
22 "Assessments" and the reference to non-ad valorem assessments means those assessments
23 which are not based upon millage and which can become a lien against a homestead as
24 permitted in Section 4, Article X of the Florida Constitution.

25 "Assessment Area" means any of the special benefit areas created by resolution of the
26 Board pursuant to Section 4.01 hereof, that specially benefit from District Facilities or District
27 Services by or through the District.

28 "Assessment Roll" means the assessment roll relating to District Facilities or District
29 Services, approved by a Final Assessment Resolution pursuant to Section 4.07 hereof or an
30 Annual Assessment Resolution pursuant to Section 4.08 hereof.

1 **"Assessment Unit"** means the apportionment unit or criteria utilized to determine the
2 Assessment for each parcel of property, as set forth in the Initial Assessment Resolution.
3 **"Assessment Units"** may include, by way of example only and not limitation, one or a
4 combination of the following: front footage, trip generation rates, rights to future trip
5 generation capacity under applicable concurrency management regulations, equivalent
6 residential units or multiples or fractions thereof, platted lots or parcels of record, land area,
7 improvement area, permitted land use, demographic information and property value or any
8 other physical characteristic or reasonably expected use of the property that is related to the
9 District Facilities or District Services to be funded from proceeds of Assessments.

10 **"Board"** means the Board of County Commissioners of Palm Beach County, Florida,
11 or, as the context requires, the governing body of the District.

12 **"Capital Cost"** means all or any portion of the expenses that are properly attributable
13 to the acquisition, design, construction, installation, reconstruction, renewal or replacement
14 (including demolition, environmental mitigation and relocation) of District Facilities and
15 imposition of any related Assessments, rates, fees or charges under generally accepted
16 accounting principles; and including reimbursement to the District for any funds advanced for
17 any costs incurred in connection with any of the foregoing and interest on any interfund or
18 intrafund loan for such purposes. By way of an example and not limitation, the term shall
19 include: (A) the cost of physical construction, reconstruction or completion; (B) the cost of
20 acquisition and installation; (C) the cost of all labor, materials, machinery and equipment,
21 including costs associated with the acquisition thereof; (D) the cost of all lands and interest
22 therein, property rights, easements and franchises of any nature whatsoever that are not donated
23 to the District, including costs associated with the acquisition thereof; (E) the cost of any
24 indemnity or surety bonds and premiums for insurance during construction; (F) the cost of
25 construction plans and specifications, surveys and estimates of costs; (G) the cost of
26 engineering, legal and other consultant services or contractual services associated with the
27 acquisition and construction of District Facilities, including the fees and expenses of counsel or
28 consultants retained or paid by the District in connection with the establishment of the District,
29 preparation of Assessments, rates, fees or charges and development and completion of District
30 Facilities; (H) reasonable contingencies; and (I) all other costs and expenses, including start-up
31 expenses, that are properly attributable to such acquisition or construction under generally

1 accepted accounting principles applicable to District Facilities. Additional items of cost may
2 be provided pursuant to the Financing Documents.

3 **"County"** means Palm Beach County, Florida, or, as the context requires, the Palm
4 Beach County Board of County Commissioners.

5 **"District"** means the Palm Beach County Biotechnology Development District, a
6 dependent special district, created and established by this Ordinance; and where the context
7 requires, the lands encompassed by the geographic boundaries of the District.

8 **"District Facilities"** means a capital improvement acquired, leased, constructed or
9 installed by the District for the benefit of lands located within the District's boundaries,
10 together with and including all improvements, equipment, structures and other facilities
11 necessary or appropriate in connection therewith. Where the context requires, the term may
12 also include land, improvements to land, structures, fixtures and tangible personal property of
13 every kind and description and any estate or interest in any of the foregoing which are owned
14 or acquired by the District.

15 **"District Manager"** means the person or firm designated by the Board to be
16 responsible for managing and administering the affairs of the District, and coordinating
17 Assessments, or such person's designee.

18 **"District Services"** means the services, facilities, or programs which provide a special
19 benefit to lands within the District as a consequence of a logical relationship to the demands,
20 burdens, value, use, and characteristics of such property.

21 **"Final Assessment Resolution"** means the resolution described in Section 4.07 hereof,
22 which shall confirm, modify or repeal the Initial Assessment Resolution and which shall be the
23 final proceeding for the imposition of an Assessment.

24 **"Financing Documents"** means the resolution or resolutions duly adopted by the
25 District, as well as any indenture of trust, trust agreement, interlocal agreement, or other
26 instrument relating to the issuance or security of any Obligations of the District.

27 **"Fiscal Year"** means the period commencing on October 1 of each year and continuing
28 through the next succeeding September 30, or such other period as may be prescribed by law as
29 the fiscal year for the County.

1 **"Government Property"** means property owned by the United States of America, the
2 State of Florida, a county, a special district, a municipal corporation, or any of their respective
3 agencies or political subdivisions.

4 **"Initial Assessment Resolution"** means the resolution described in Section 4.03
5 hereof, which shall be the initial proceeding for the imposition of an Assessment.

6 **"Obligations"** means any form or series of bonds, or other evidence of indebtedness,
7 including, but not limited to, certificates, warrants, notes, commercial paper, capital leases or
8 any other obligations issued hereunder, or under any general law provisions, and pursuant to
9 the Financing Documents secured, in whole or in part, by Pledged Revenues. The term shall
10 also include any lawful obligation committed to by the District pursuant to an interlocal
11 agreement with another government body or agency.

12 **"Pledged Revenue"** means, as to any Obligations, (A) the proceeds of such
13 Obligations, including investment earnings, (B) proceeds of Assessments pledged to secure the
14 payment of such Obligations, (C) revenues to be derived from any District Facilities pledged to
15 secure the payment of such Obligations, (D) rates, fees or other charges of the District to be
16 collected from the users of any District Facilities or from benefited landowners pledged to
17 secure the payment of such Obligations, and (E) any other legally available revenue pledged, at
18 the Board's sole option, to secure the payment of such Obligations, as specified by the
19 Financing Documents authorizing such Obligations.

20 **"Project Cost"** means (A) the Capital Cost of any District Facilities, (B) the
21 Transaction Cost associated with the Obligations which finance specific District Facilities, (C)
22 interest accruing on such Obligations for such period of time as the District deems appropriate,
23 (D) the debt service reserve fund or account, if any, established for the Obligations which
24 finance the District Facilities, and (E) any other costs or expenses related thereto.

25 **"Property Appraiser"** means the Palm Beach County Property Appraiser.

26 **"Resolution of Intent"** means the resolution expressing the Board's intent to collect
27 Assessments on the ad valorem tax bill required by the Uniform Assessment Act.

28 **"Scripps Funding Act"** means Chapter 2003-420, Laws of Florida, as may be amended
29 from time to time, which, among other matters, facilitates economic development and funding
30 by the State of Florida for the establishment and operation of a biomedical research institution
31 and campus by the Scripps Research Institute.

1 **“Scripps Research Institute”** means The Scripps Research Institute, a not-for-profit
2 public benefit corporation, or a division, subsidiary, affiliate, or entity, or successors thereto,
3 formed by The Scripps Research Institute to establish a state-of-the-art biomedical research
4 institution and campus in the County as contemplated by the Scripps Funding Act.

5 **“Service Cost”** means the amount needed in any Fiscal Year to fund the provisions of
6 any District Services or such costs attributable to the District Services under generally accepted
7 accounting principles, including but not limited to: (A) the cost of physical construction,
8 reconstruction or completion of any required facility or improvement; (B) the costs incurred in
9 any required acquisition or purchase; (C) the cost of all labor, materials, machinery, and
10 equipment; (D) the cost of fuel, parts, supplies, maintenance, repairs, and utilities; (E) the cost
11 of computer services, data processing, and communications; (F) the cost of leases, property
12 rights, easements, and franchises of any nature whatsoever; (G) the cost of any indemnity or
13 surety bonds and premiums for insurance; (H) the cost of salaries, workers' compensation
14 insurance, or other employment benefits; (I) the cost of uniforms, training, travel, and per diem;
15 (J) the cost of construction plans and specifications, surveys and estimates of costs; (K) the cost
16 of engineering, financial, legal, management, and other professional services; (L) the costs of
17 compliance with any contracts or agreements entered into by the County or District to provide
18 services related to the purposes of the District; (M) all costs associated with the structure,
19 implementation, collection, and enforcement of Assessments, including any service charges of
20 the County, Tax Collector, or Property Appraiser and amounts necessary to off-set discounts
21 received for early payment of Assessments pursuant to the Uniform Assessment Act or for
22 early payment of Assessments collected pursuant to this Ordinance or by law; (N) all other
23 costs and expenses necessary or incidental to the acquisition, provision, or construction of the
24 services, facilities, or programs to be funded by the Assessments, and such other expenses as
25 may be necessary or incidental to any related financing authorized by the County or District by
26 subsequent resolution; (O) a reasonable amount for contingency and anticipated delinquencies
27 and uncollectible Assessments; and (P) reimbursement to the County or District or any other
28 person or entity for any moneys advanced for any costs incurred by the County or District in
29 connection with the establishment of the District or any of the purposes of the District.

30 **“Tax Collector”** means the Palm Beach County Tax Collector.

1 **“Tax Roll”** means the real property ad valorem tax assessment roll maintained by the
2 Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

3 **“Transaction Cost”** means the costs, fees and expenses incurred by the District in
4 connection with the issuance and sale of any series of Obligations, including but not limited to
5 (A) rating agency and other financing fees; (B) the fees and disbursements of bond counsel,
6 special counsel and issuer’s counsel; (C) the underwriters' discount; (D) the fees and
7 disbursements of the District's financial advisor; (E) the costs of preparing and printing the
8 Obligations, the preliminary official statement, the final official statement, and all other
9 documentation supporting issuance of the Obligations; (F) the fees payable in respect of any
10 municipal bond insurance policy; (G) administrative, development, credit review, and all other
11 fees associated with any pooled commercial paper or similar interim financing program; and
12 (G) any other costs of a similar nature incurred in connection with issuance of such
13 Obligations.

14 **“Uniform Special District Accountability Act”** means the Uniform Special District
15 Accountability Act of 1989, Chapter 189, Florida Statutes, as amended.

16 **“Uniform Assessment Act”** means Sections 197.3631, 197.3632 and 197.3635, Florida
17 Statutes, or any successor statutes authorizing the levy, imposition, collection and enforcement
18 of non-ad valorem assessments on the same bill as ad valorem taxes, and any applicable
19 regulations promulgated thereunder.

20 **SECTION 1.04. FINDINGS.**

21 It is hereby ascertained, determined, and declared that:

22 (A) Improving economic opportunities available to the people of the County by
23 attracting new or expanding businesses to, or retaining businesses in, the County consistent
24 with the Scripps Funding Act, and the establishment and operation of a state-of-the-art
25 biomedical research institution and campus in the County by the Scripps Research Institute, is
26 in the best interests of the citizens and landowners of the County and the District.

27 (B) Actions to advance the essential government service of providing infrastructure
28 and essential services within the District, and actions that will improve the health of the people
29 of the County, and humankind in general, by promoting research and development for the
30 prediction, treatment, prevention and cure of disease constitute a public purpose and benefit.

1 (C) In order to create economic opportunity and improve public health, it is prudent
2 and reasonable that public assistance should be provided to facilitate the establishment of a
3 state-of-the-art biomedical research institution and campus in the County in order to expand the
4 amount and prominence of biomedical research conducted in the County, provide an
5 inducement for high-technology businesses to locate in the County, create educational
6 opportunities for the people of the County and promote improved health care through the
7 scientific outcomes of such activity.

8 (D) It is desirable to create a special purpose local government in the form of a
9 dependent special district in the County pursuant to Section 189.4041, Florida Statutes, the
10 County's home rule authority and Article VIII of the Florida Constitution in order to protect the
11 local and regional environment by focusing upon delivering infrastructure and essential
12 services to the District while expediting permitting and planning as provided by law.

13 (E) The sound planning, acquisition, development, operation and maintenance of
14 District Facilities, as are necessary to establish a mixed use campus or community in the
15 County focused upon biomedical research and associated and appurtenant land use and
16 activities to provide an inducement for high-technology businesses and personnel to locate to
17 the District and the County, and to create employment, housing, economic, cultural,
18 recreational, and educational opportunities for the citizens and landowners of the District and
19 the County constitutes a public purpose and benefit.

20 **SECTION 1.05. INTERPRETATION.**

21 Unless the context indicates otherwise, words importing the singular number include the
22 plural number and vice versa; the terms "hereof," "hereby," "herein," "hereto," "hereunder"
23 and similar terms refer to this Ordinance; and the term "hereafter" means after, and the term
24 "heretofore" means before, the effective date of this Ordinance. Words of any gender include
25 the correlative words of the other gender, unless the sense indicates otherwise.

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ARTICLE II
CREATION AND ESTABLISHMENT OF BIOMEDICAL DEVELOPMENT
DISTRICT

SECTION 2.01. CREATION AND ESTABLISHMENT.

(A) Pursuant to and in conformance with the powers granted to the County by the Constitution and the laws of the State of Florida, including, without limitation, the powers granted by Florida Statutes, Chapters 125 and 189, there is hereby created and established a public body politic and corporate as a dependent special district of the County to be known as the "Palm Beach County Biotechnology Development District," and which is hereby authorized to exercise its governmental and corporate powers and perform its duties within the territorial limits established by this Ordinance and to the maximum extent permittable by law, to exercise its powers and perform duties relating thereto outside such territorial limits.

(B) The District is created for all purposes as shall be liberally construed from and set forth in this Ordinance, under the Uniform Special District Accountability Act, and may perform such acts as shall be necessary, convenient, incidental, or proper for the provision, acquisition, development, operation, and maintenance of those public infrastructure works and services authorized herein, including all facilities and services necessary and incidental thereto.

SECTION 2.02. BOUNDARIES.

The boundaries of the District are set forth in the legal description contained in Appendix "A" attached hereto and incorporated herein by reference. All of the lands encompassed by the District are located wholly within the unincorporated area of the County.

SECTION 2.03. PURPOSE.

The purpose of the District shall be to perform such acts, including but not limited to, the sound planning, acquisition, development, operation and maintenance of District Facilities, as are necessary to establish a mixed use campus or community in the County focused upon biomedical research and associated and appurtenant land use and activities to provide an inducement for high-technology businesses and personnel to locate to the District and the County, and to create employment, housing, economic, cultural, recreational, and educational opportunities for the citizens and landowners of the District and the County.

SECTION 2.04. POWERS.

(A) To the maximum extent permitted by law, the District shall have all powers to carry out the purposes of this Ordinance and the functions and duties provided for herein,

1 including the following powers which shall be in addition and supplemental to any other
2 privileges, benefits, and powers granted by law:

3 (1) To acquire, construct, own, lease, operate, manage, maintain, dispose of,
4 improve, and expand the District Facilities and to have the exclusive control and jurisdiction
5 thereof.

6 (2) To execute all contracts and other documents, adopt all proceedings, and
7 perform all acts determined by the Board as necessary or advisable to carry out the purposes of
8 this Ordinance. The Chair or Vice Chair, or a duly authorized designee, shall execute contracts
9 and other documents on behalf of the Board.

10 (3) To collect rates, fees, and charges from public or quasi-public
11 corporations, municipalities, counties, the state or its agencies, the federal government, or any
12 other public or governmental agencies or bodies for the use or provision of District Facilities or
13 services.

14 (4) To fix, levy, and collect rates, fees, and other charges (including impact
15 fees) from persons or property, or both, for the use of the services, facilities, and products of
16 the District Facilities or to pay the operating or financing costs of the District Facilities
17 available to potential users; to fix and collect charges for making connections to the District
18 Facilities; and, to the extent provided by law, to provide for reasonable penalties to be imposed
19 on any users or property for any such rates, fees, or charges that are delinquent.

20 (5) To discontinue or terminate service to any person or customer who
21 violates the provisions of this Ordinance or any duly adopted resolutions or regulations of the
22 District, including, but not limited to, delinquency of any amounts owed the District or failure
23 to connect to the District Facilities and failure to provide to the District without cost such
24 easements or property interests as are reasonably required to provide service. Any means of
25 enforcement available to the District to require and enforce the use of its services or facilities
26 shall be alternative and supplemental to any other means available to the District.

27 (6) To contract for the service of engineers, accountants, attorneys, and other
28 experts or consultants and such other agents and employees as the Board may require or deem
29 appropriate from time to time.

1 (7) To conduct and pay for or finance studies, plans and designs to
2 effectuate the purpose of the District, which action may include, but is not limited to, work
3 plans, staffing plans and financing plans.

4 (8) To acquire in the name of the District, by grant, loan, transfer, exchange,
5 dedication, lease, devise, purchase, gift, or the exercise of the power of eminent domain, such
6 lands and rights and interests therein, including lands under water and riparian rights; to acquire
7 such personal property as the District may deem necessary and appropriate in connection with
8 the acquisition, construction ownership, expansion, improvement, operation, and maintenance
9 of the District Facilities; and to hold and dispose of all real and personal property under its
10 control. The power of eminent domain, to the maximum extent available to any general
11 purpose local government, may be exercised by the Board both within and outside the District
12 for the purpose of carrying out the intent of this Ordinance.

13 (9) To lease or rent any of its easements, real property interests, or facilities
14 to other utility providers which are owned by a municipality or county, or which hold a
15 franchise from a municipality or county, with such lease or rental to be for joint use by the
16 District and such other utility provider.

17 (10) To adopt all necessary regulations by resolution that provide design and
18 construction specifications and procedures for the dedication of facilities to the District or
19 County. The District may require as a condition precedent to the approval of any connection to
20 District Facilities:

21 (a) That all subdivision type infrastructure, or other contributed
22 transmission or distribution infrastructure necessary to serve a particular project or customer,
23 and necessary easements be approved by and dedicated to the District or County.

24 (b) Surety bonds or other guarantees from any developer to ensure
25 completion of construction in compliance with such uniform standards, rules, and regulations
26 adopted by the District or County.

27 (c) That the developer makes available interim facilities or services
28 or contracts for same on an interim basis from an authorized service provider.

29 (d) That the developer, or the person or entity the developer has
30 contracted with, provides interim service or lease back for nominal consideration and maintains
31 such dedicated or contributed facilities until such time as the District or County provides

1 services, provided in each case the foregoing actions shall be consistent with the
2 comprehensive plan of the County.

3 (11) To exercise exclusive jurisdiction, control, and supervision over the
4 District Facilities and to make and enforce such rules and regulations for the use, acquisition,
5 development, maintenance, management, operation or disposal of the District Facilities as may
6 be, in the judgment of the Board, necessary or desirable for the efficient operation of the
7 District Facilities in accomplishing the purposes of this Ordinance.

8 (12) To enter into interlocal agreements or join with any other special purpose
9 or general purpose local governments, public agencies, or authorities in the exercise of
10 common powers for any corporate purpose of the District.

11 (13) To contract with private or public entities or persons to obtain assistance
12 in planning, financing and constructing any and all facilities and services as determined to be
13 appropriate and desirable by the Board.

14 (14) To enter into interlocal agreements or contracts with any other special
15 purpose or general purpose local governments, public agencies, or authorities to provide,
16 deliver, or maintain municipal services or capital infrastructure funded by any revenues derived
17 from or established by a municipal services taxing unit, municipal services benefit unit, or any
18 other revenue generating program.

19 (15) To require and enforce the use of services, products, and facilities of the
20 District or County whenever and wherever they are accessible.

21 (16) To finance, fund, plan, establish, acquire, construct or reconstruct,
22 enlarge or extend, equip, operate, and maintain systems, facilities, and infrastructure of every
23 nature, including but not limited to, the following:

24 (a) water management and control for the lands within the District
25 and to connect some or any of such facilities with any other systems, facilities, or infrastructure
26 of the District or County;

27 (b) water supply, sewer, and wastewater management, reclamation,
28 and reuse or any combination thereof, and to construct and operate connecting intercepting or
29 outlet sewers and sewer mains and pipes and water mains, conduits, or pipelines in, along, and
30 under any street, alley, highway, or other public place or ways, and to dispose of any effluent,
31 residue, or other byproducts of such system or sewer system;

1 (c) bridges or culverts that may be needed across any drain, ditch,
2 canal, floodway, holding basin, excavation, public highway, tract, grade, fill, or cut and
3 roadways over levees and embankments, and to construct any and all of such works and
4 improvements across, through, or over any public right-of-way, highway, grade, fill, or cut;

5 (d) roads and street lights equal to or exceeding specifications of the
6 County;

7 (e) buses, trolleys, transit shelters, ridesharing facilities and services,
8 parking improvements, and related signage;

9 (f) investigation and remediation costs associated with the cleanup
10 of actual or perceived environmental contamination within the District under the supervision or
11 direction of a competent governmental authority;

12 (g) conservation areas, mitigation areas, and wildlife habitat,
13 including the maintenance of any plant or animal species, and any related interest in real or
14 personal property;

15 (h) parks and facilities for indoor and outdoor recreational, cultural,
16 and educational uses;

17 (i) fire prevention and control, including fire stations, water mains
18 and plugs, fire trucks, and other vehicles and equipment;

19 (j) educational facilities and related structures, which may be leased,
20 sold, or donated to any school district;

21 (k) control and elimination of mosquitoes and other arthropods of
22 public health importance; and

23 (l) waste collection and disposal.

24 (17) To restrain, enjoin, or otherwise prevent the violation of this Ordinance
25 or of any resolution or regulation adopted pursuant to the powers granted by this Ordinance or
26 by general law.

27 (18) To accomplish construction directly or by letting construction contracts
28 to other entities, whether public or private, for all or any part of the construction of
29 improvements to the District Facilities as determined by the Board in accordance with
30 applicable law.

1 (19) Subject to such provisions and restrictions as may be set forth in any
2 Financing Document, to enter into contracts with the government of the United States or any
3 agency or instrumentality thereof, the state, or any municipality, county, district, authority,
4 political subdivision, private corporation, partnership, association, or individual providing for
5 or relating to any matters relevant to or otherwise necessary to effect the purposes of this
6 Ordinance.

7 (20) To receive and accept from any federal or state agency grants or loans
8 for or in aid of the planning, construction, reconstruction, or financing of improvements,
9 additions, or extensions to the District Facilities and to receive and accept aid or contributions
10 or loans from any other source of money, labor, or other things of value, to be held, used, and
11 applied only for the purpose for which such grants, contributions, or loans may be made.

12 (21) To purchase or assume the ownership, lease, operation, management, or
13 control of any publicly or privately owned facilities, including the assumption, defeasance, or
14 payment of the financial liabilities associated with such facilities.

15 (22) To divide the District into separate units, benefit areas, subsystems, or
16 subdistricts, for imposing special assessments, setting rates, fees, or charges, accounting or
17 financing improvements or additions, or any other purpose.

18 (23) To adopt by resolution by-laws for the regulation of its affairs and the
19 conduct of its business.

20 (24) To establish, create and appoint such departments, advisory boards and
21 committees, or other agencies, to assist the Board in the exercise and performance of the
22 powers and duties provided in this Ordinance. To the extent permitted by law, the Board may
23 delegate any or all of its powers and duties to such departments, boards, committees or
24 agencies.

25 (25) To sue and be sued in the name of the District and to participate as a
26 party in any civil, administrative, or other action.

27 (26) To adopt and use a seal and authorize the use of a facsimile thereof.

28 (27) To employ or contract with any public or private entity or person to
29 manage, operate and staff the District Facilities, or any portion thereof, upon such terms as the
30 Board deems appropriate.

1 (28) Subject to such provisions and restrictions as may be set forth in any
2 Financing Documents, to sell or otherwise dispose of the District Facilities, or any portion
3 thereof, upon such terms as the Board deems appropriate, and to enter into acquisition or other
4 agreements to effect such dispositions.

5 (29) To provide for safety enhancements, including, but not limited to,
6 security, guardhouses, fences, and gates, and electronic intrusion detection systems; except that
7 the District shall not be authorized or empowered to exercise any law enforcement powers, but
8 may contract with the appropriate local general purpose government agencies for such service.

9 (30) To acquire by purchase, gift, devise, or otherwise, and to dispose of, real
10 or personal property or any estate therein.

11 (31) To make and execute contracts or other instruments necessary or
12 convenient to the exercise of its powers.

13 (32) To provide such deferred compensation, retirement benefits, insurance
14 benefits or other benefits and programs as the Board deems appropriate.

15 (33) To maintain an office or offices at such place or places in the County as
16 the Board may designate from time to time.

17 (34) To hold, control, and acquire by donation, purchase, or eminent domain
18 or dispose of any public easements, dedications to public use, platted reservations for public
19 purposes, or any reservations for those purposes authorized by this Ordinance and to make use
20 of such easements, dedications, and reservations for any of the purposes authorized by this
21 Ordinance.

22 (35) The right to hold, control and acquire by donation or purchase, or
23 dispose of, District Facilities for those purposes authorized by this Ordinance and to make use
24 of such property for any of the purposes authorized by this Ordinance.

25 (36) To lease, as lessor or lessee, to or from any person, firm, corporation,
26 association, or body, public or private, facilities or property of any nature to carry out any of
27 the purposes authorized by this Ordinance.

28 (37) To borrow money and issue Obligations.

29 (38) To the maximum extent permitted by law for any general purpose local
30 government, to assess, levy, impose, collect, and enforce special assessments upon all or any
31 portion of the lands located within the District.

1 (39) To apply for and accept grants, loans, and subsidies from any
2 governmental entity for the planning, financing, acquisition, construction, operation, and
3 maintenance of the District Facilities and to comply with all requirements and conditions
4 imposed in connection therewith.

5 (40) To pledge any legally available revenue of the District to the payment of
6 Obligations, including but not limited to any ad valorem tax revenue approved by a vote of the
7 electors.

8 (41) To the extent allowed by law and to the extent required to effectuate the
9 purposes of this Ordinance, to exercise all privileges, immunities, and exemptions accorded
10 municipalities and counties of the state under the provisions of the Constitution and laws of the
11 State of Florida.

12 (42) To invest its moneys in such investments as directed by the Board in
13 accordance with general law and which shall be consistent in all instances with the applicable
14 provisions of any Financing Documents.

15 (43) To purchase such insurance or establish such self insurance program as it
16 deems appropriate.

17 (44) To do all acts and to exercise all of the powers necessary, convenient,
18 incidental, implied, or proper, both within and outside the District, in connection with any of
19 the powers, duties, obligations, or purposes authorized by law, this Ordinance, or any interlocal
20 agreement entered into by the District. The enumeration of particular powers herein shall not
21 be deemed exclusive or restrictive, but shall be deemed to incorporate all additional powers
22 which may be necessary, incidental or convenient to implement the exercise of the powers
23 enumerated herein in furtherance of the public purposes of the District.

24 (45) To exercise any and all powers available to or granted to the District by
25 this Ordinance or applicable law.

26 (B) In exercising the powers conferred by this Ordinance, the Board shall act by
27 resolution or motion made and adopted at duly noticed and publicly held meetings in
28 conformance with applicable law.

29 (C) The provisions of Chapter 120, Florida Statutes, shall not apply to the District.
30 However, nothing herein shall affect the ability of either the District or County to engage in or
31 pursue any civil or administrative action or remedies, including, but not limited to, any

1 proceeding or remedy available under Chapter 120, Florida Statutes, or its successor in
2 function.

3 (D) Nothing herein is intended to, or shall be construed to, limit the power of local
4 self-government of the County or conflict with the Florida Constitution or the Palm Beach
5 County Home Rule Charter.

6 **SECTION 2.05. GOVERNING BODY.**

7 (A) The Board of County Commissioners of Palm Beach County shall be the
8 governing body of the District with the rights, powers and responsibilities as provided in this
9 Ordinance and by law, including, but not limited to, the authority to adopt and act by
10 resolution, to adopt regulations for its own government and proceedings, and to adopt an
11 official seal for the District.

12 (B) The Chair and Vice Chair of the Board of County Commissioners shall serve
13 respectively as the Chair and Vice Chair of the District. A vacancy occurring during a term
14 shall be filled in the same manner as provided respectively filling a vacancy in the term of the
15 Chair, Vice Chair, or other members of the Board. Coterminous with employment by the
16 County, County employees and officials, such as the County Administrator, County Clerk, and
17 County Attorney, or any special counsel or any other employees or officials of the County,
18 shall also serve respectively as the District Manager, clerk, and general or special counsel, or in
19 other similar capacities or roles, for the District.

20 (C) All powers, privileges and duties vested in or upon the District shall be
21 exercised and performed by and through the Board; provided, however, the exercise of any and
22 all executive, administrative, and ministerial powers may be delegated by the Board to any of
23 its officers, staff, employees, agents or designees, which delegation may be re-delegated or
24 withdrawn by the Board.

25 (D) The Board shall have those administrative duties set forth in this Ordinance and
26 the Uniform Special District Accountability Act, as may be amended from time to time. Any
27 certificate, resolution, or instrument signed by the Chairperson, Vice Chairperson, or such other
28 person on behalf of the District as may hereafter be designated and authorized by the Board
29 shall be evidence of the action of the District, and any such certificate, resolution, or other
30 instrument so signed shall be conclusively presumed to be authentic.

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SECTION 2.06. DISTRICT AS THE BEST ALTERNATIVE.

The District is the most efficient and effective method by which to achieve the purposes set forth in this Ordinance (e.g., as opposed to private sector real estate development alternatives or public alternatives such as a municipal services taxing unit, a municipal services benefit unit, or an independent special purpose government or district). The District provides an effective and efficient means to focus on the delivery of infrastructure and essential services to the lands encompassed by the boundaries of the District, while maximizing interlocal governmental cooperation and coordination.

SECTION 2.07. COMPREHENSIVE PLAN CONSISTENCY.

The creation of the District is consistent with the approved Palm Beach County Comprehensive Plan and all other applicable growth management rules, regulations, ordinances and laws.

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ARTICLE III

ADMINISTRATION

SECTION 3.01. MEETINGS AND NOTICE.

The Board shall hold meetings pursuant to, and otherwise comply with meeting, notice, required reports and other provisions of the Uniform Special District Accountability Act, and particularly Section 189.417, Florida Statutes.

SECTION 3.02. REPORTS, BUDGETS, AND AUDITS.

The District shall prepare and submit reports, budgets, and audits as provided in the Uniform Special District Accountability Act, and particularly Sections 189.415 and 189.418, Florida Statutes.

SECTION 3.03. ADMINISTRATION.

The Board shall appoint a person or entity to act as District Manager of the District having such official title, functions, duties, and powers as the chief administrative officer of the District as the Board may prescribe. The Board shall appoint a person or entity to act as the general counsel for the District. The District Manager and general counsel shall each answer directly to the Board. Neither the District Manager nor general counsel shall be a member of the Board.

SECTION 3.04. PLANNING REQUIREMENTS.

(A) Within two (2) years after the effective date of this Ordinance, the Board shall adopt a master plan which, among other things:

- (1) Identifies landowners to be benefited, projects, and future users of District Facilities.
- (2) Reviews and generally inventories all existing infrastructure within the boundaries of or served by the District.
- (3) Identifies a capital improvement program for the District.
- (4) Inventories and reviews all permits necessary to fulfill the purpose of the District to create the mixed use community contemplated by this Ordinance.
- (5) Provides for detailed mapping of the District Facilities.

(B) After adoption of a master plan as provided for herein, the master plan shall be updated annually.

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SECTION 3.05. MERGER AND DISSOLUTION.

Any merger or dissolution of the District shall be effected by Ordinance of the County
as provided by law.

1 **ARTICLE IV**

2 **ASSESSMENT PROCEDURES**

3 **SECTION 4.01. CREATION OF ASSESSMENT AREAS.**

4 The Board is authorized to create Assessment Areas by resolution. Each Assessment
5 Area shall encompass only that property specially benefited by the District Facilities or District
6 Services proposed for funding from the proceeds of Assessments to be imposed therein. The
7 resolution creating each Assessment Area shall include brief descriptions of the proposed
8 District Facilities or District Services, a description of the property to be included within the
9 Assessment Area, and specific legislative findings that recognize the special benefit to be
10 provided by any proposed District Facilities or District Services benefiting the property within
11 the Assessment Area.

12 **SECTION 4.02. AUTHORITY.**

13 The District is authorized by general law and this Ordinance to levy, impose, collect and
14 enforce Assessments against property located within an Assessment Area to fund the Capital
15 Cost, Service Cost, and Project Cost of District Facilities or District Services benefiting
16 properties within the Assessment Area. The Assessments shall be computed in a manner that
17 fairly and reasonably apportions the Capital Cost, Service Cost, or Project Cost among the
18 parcels of property within the Assessment Area, based upon objectively determinable
19 Assessment Units.

20 **SECTION 4.03. INITIAL ASSESSMENT RESOLUTION.**

21 The initial proceeding for imposition of any Assessments shall be the Board's adoption
22 of an Initial Assessment Resolution. The Initial Assessment Resolution shall (A) describe the
23 benefited property located within the Assessment Area; (B) describe the District Facilities or
24 District Services proposed for funding from proceeds of the Assessments; (C) respectively
25 estimate the Capital Cost, Service Cost, and the Project Cost; (D) describe with particularity the
26 proposed method of apportioning the Capital Cost, Service Cost, and Project Cost of providing
27 services among the parcels of benefited property located within the Assessment Area, such that
28 the owner of any parcel of benefited property can objectively determine the number of
29 Assessment Units and the amount of the Assessment; (E) describe the provisions, if any, for
30 acceleration and prepayment of the Assessment; (F) describe the provisions, if any, for
31 reallocating the Assessment upon future subdivisions; (G) include specific legislative findings

1 that recognize the fairness provided by the apportionment methodology; and (H) describe
2 whether the Assessment is to be levied and collected for a period of more than one (1) year or
3 is to be amortized over a number of years.

4 **SECTION 4.04. ASSESSMENT ROLL.**

5 (A) The District Manager shall prepare a preliminary Assessment Roll that contains
6 the following information:

7 (1) a summary description of each parcel of property (conforming to the
8 description contained on the Tax Roll) subject to the Assessments;

9 (2) the name of the owner of record of each parcel, as shown on the Tax
10 Roll;

11 (3) the number of Assessment Units attributable to each parcel;

12 (4) both the minimum and the maximum annual Assessments to become due
13 in any Fiscal Year for each Assessment Unit; and

14 (5) the minimum and maximum annual Assessments to become due in any
15 Fiscal Year for each parcel.

16 (B) Copies of the Initial Assessment Resolution and the preliminary Assessment
17 Roll shall be on file in the offices of the District or County and open to public inspection. The
18 foregoing shall not be construed to require that the Assessment Roll be in printed form if the
19 amount of the Assessments for each parcel of property can be determined by use of a computer
20 terminal or Internet access available to the public.

21 **SECTION 4.05. NOTICE BY PUBLICATION.**

22 After filing the Assessment Roll in the offices of the District or County Manager, as
23 required by Section 4.04(B) hereof, the District Manager shall publish once in a newspaper of
24 general circulation within the District a notice stating that a public hearing of the Board will be
25 held on a certain day and hour, not earlier than twenty (20) calendar days from such
26 publication, at which hearing the Board will receive written comments and hear testimony from
27 all interested persons regarding proposed Assessments and adoption of the Final Assessment
28 Resolution. The published notice shall conform to the requirements set forth in the Uniform
29 Assessment Act.

30 **SECTION 4.06. NOTICE BY MAIL.**

31 In addition to the published notice required by Section 4.05, the District Manager shall
32 provide notice of the proposed Assessment by first class mail to the owner of each parcel of

1 property subject to the Assessment. The mailed notice shall conform to the requirements set
2 forth in the Uniform Assessment Act. Notice shall be mailed at least twenty (20) calendar days
3 prior to the hearing to each property owner at such address as is shown on the Tax Roll readily
4 available on the twentieth calendar day prior to the date of mailing. Notice shall be deemed
5 mailed upon delivery thereof to the possession of the U.S. Postal Service. The District
6 Manager may provide proof of such notice by affidavit. Failure of the owner to receive such
7 notice due to mistake or inadvertence shall not affect the validity of the Assessment Roll or
8 release or discharge any obligation for the payment of any Assessments imposed by the Board
9 pursuant to this Ordinance.

10 **SECTION 4.07. ADOPTION OF FINAL ASSESSMENT RESOLUTION.**

11 At the time named in such notice, or such time to which an adjournment or continuance
12 may be taken, the Board shall receive written objections and hear testimony of interested
13 persons and may then, or at any subsequent meeting of the Board, adopt the Final Assessment
14 Resolution which shall (A) confirm, modify or repeal the Initial Assessment Resolution with
15 such amendments, if any, as may be deemed appropriate by the Board; (B) establish both the
16 minimum and the maximum amount of the Assessments for each Assessment Unit; (C) approve
17 the Assessment Roll, with such amendments as it deems just and right; and (D) determine the
18 method of collection.

19 **SECTION 4.08. ANNUAL ASSESSMENT RESOLUTION.**

20 During its budget adoption process, the Board shall adopt an Annual Assessment
21 Resolution for each Fiscal Year in which Assessments will be imposed to approve the
22 Assessment Roll for such Fiscal Year. The Final Assessment Resolution shall constitute the
23 Annual Assessment Resolution for the initial Fiscal Year. The Assessment Roll shall be
24 prepared in accordance with the Initial Assessment Resolution, as confirmed or amended by the
25 Final Assessment Resolution. Unless consented to by written agreement with the owner, the
26 proposed Assessment for any parcel of property shall not exceed the maximum amount
27 established in the notice provided pursuant to Section 4.06 hereof, and if an Assessment is
28 imposed against property not previously subject thereto, the Board shall provide notice to the
29 owner of such property in accordance with Sections 4.05 and 4.06 hereof and conduct a public
30 hearing prior to adoption of the Annual Assessment Resolution. Failure to adopt an Annual

1 Assessment Resolution during the budget adoption process for a Fiscal Year may be cured at
2 any time.

3 **SECTION 4.09. EFFECT OF ASSESSMENT RESOLUTIONS.**

4 The adoption of the Final Assessment Resolution shall be the final determination by the
5 District of the issues presented (including, but not limited to, the apportionment methodology,
6 the rate of assessment, the adoption of the Assessment Roll, the methods and procedures for
7 collection and the levy and lien of the Assessments), unless proper steps are initiated in a court
8 of competent jurisdiction to secure relief within twenty (20) days from the date of the Board's
9 adoption of the Final Assessment Resolution. The Assessments for each Fiscal Year shall be
10 established upon adoption of the Annual Assessment Resolution. The Assessment Roll, as
11 approved by the Annual Assessment Resolution, shall be certified to the Tax Collector, or such
12 other official as the Board by resolution deems appropriate.

13 **SECTION 4.10. PREPAYMENT OF ASSESSMENTS.**

14 The Assessment imposed against any parcel of property to fund the Capital Cost of
15 District Facilities shall be subject to prepayment at the option of the property owner, as follows:

16 (A) Prior to the issuance of Obligations to finance the Capital Cost of such District
17 Facilities, the District Manager shall provide first class mailed notice to the owner of each
18 parcel of property subject to the Assessment of the Board's intent to issue such Obligations. On
19 or prior to the date specified in such notice (which shall not be earlier than the thirtieth day
20 following the date on which the notice is delivered to the possession of the U.S. Postal
21 Service), or such later date as the Board may allow in its sole discretion, the owner of each
22 parcel of property subject to the Assessment shall, if feasible, be entitled to prepay the total
23 Assessment obligation upon payment of such parcel's share of the Capital Cost.

24 (B) Following the date specified in the notice provided pursuant to subsection (A)
25 hereof, or such later date as the Board may allow in its sole discretion, the owner of each parcel
26 of property subject to the Assessment shall, if feasible, be entitled to prepay the total remaining
27 Assessment obligation upon payment of an amount equal to the sum of (1) such parcel's share
28 of the principal amount of Obligations then outstanding, (2) the premium associated with the
29 redemption of such parcel's share of the principal amount of Obligations then outstanding, and
30 (3) interest on such parcel's share of the principal amount of Obligations then outstanding, from
31 the most recent date to which interest has been paid to the next date following such prepayment

1 on which the District can redeem Obligations after providing all notices required by the
2 resolution authorizing issuance of such Obligations; provided however, that during any period
3 commencing on the date the annual Assessment Roll is certified for collection pursuant to the
4 Uniform Assessment Act and ending on the next date on which unpaid ad valorem taxes
5 become delinquent, the District may reduce the amount required to prepay the Assessments
6 imposed against any parcel of property by the amount of the Assessment certified for collection
7 with respect to such parcel.

8 (C) At the District's election, the Assessment imposed against any parcel of property
9 to fund the Capital Cost of District Facilities may be subject to acceleration and mandatory
10 prepayment if at any time a tax certificate has been issued and remains outstanding in respect of
11 such property. In such event, the amount required for mandatory prepayment shall be the same
12 as that required for an optional prepayment authorized by subsection (B) hereof.

13 (D) The amount of all prepayments computed in accordance with this Section shall
14 be final. The District shall not be required to refund any portion of a prepayment if (1) the
15 Capital Cost of the District Facilities is less than the amount upon which such prepayment was
16 computed, or (2) annual Assessments will not be imposed for the full number of years
17 anticipated at the time of such prepayment.

18 **SECTION 4.11. LIEN OF ASSESSMENTS.**

19 (A) Upon adoption of the Annual Assessment Resolution for each Fiscal Year,
20 Assessments to be collected under the Uniform Assessment Act shall constitute a lien against
21 assessed property equal in rank and dignity with the liens of all state, county, district or
22 municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law,
23 such lien shall be superior in dignity to all other liens, titles and claims, until paid. Unless
24 otherwise provided by law, the lien shall be deemed perfected upon adoption by the Board of
25 the Annual Assessment Resolution and shall attach to the property included on the Assessment
26 Roll as of the prior January 1, the lien date for ad valorem taxes.

27 (B) Upon adoption of the Final Assessment Resolution, Assessments to be collected
28 under any alternative method of collection provided in Section 4.16 hereof shall constitute a
29 lien against assessed property equal in rank and dignity with the liens of all state, county,
30 district or municipal taxes and other non-ad valorem assessments. Except as otherwise
31 provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until

1 paid. The lien shall be deemed perfected on the date notice thereof is recorded in the Official
2 Record of Palm Beach County, Florida.

3 **SECTION 4.12. REVISIONS TO ASSESSMENTS.**

4 If any Assessments made under the provisions of this Ordinance are either in whole or
5 in part annulled, vacated or set aside by the judgment of any court, or if the Board is satisfied
6 that any such Assessments are so irregular or defective that the same cannot be enforced or
7 collected, or if the Board has failed to include any property on the Assessment Roll which
8 property should have been so included, the Board may take all necessary steps to impose new
9 Assessments against any property benefited by District Facilities or District Services, following
10 as nearly as may be practicable, the provisions of this Ordinance and in case such second
11 Assessments are annulled, the Board may obtain and impose other Assessments until valid
12 Assessments are imposed.

13 **SECTION 4.13. PROCEDURAL IRREGULARITIES.**

14 Any irregularity in the proceedings in connection with the levy of any Assessments
15 under the provisions of this Ordinance shall not affect the validity of the same after the
16 approval thereof, and any Assessments as finally approved shall be competent and sufficient
17 evidence that such Assessments were duly levied, that the Assessments were duly made and
18 adopted, and that all other proceedings adequate to such Assessments were duly had, taken and
19 performed as required by this Ordinance; and no variance from the directions hereunder shall
20 be held material unless it be clearly shown that the party objecting was materially injured
21 thereby. Notwithstanding the provisions of this Section, any party objecting to any
22 Assessments imposed pursuant to this Ordinance must file an objection with a court of
23 competent jurisdiction within the time periods prescribed herein.

24 **SECTION 4.14. CORRECTION OF ERRORS AND OMISSIONS.**

25 (A) No act of error or omission on the part of the Board, District Manager, Property
26 Appraiser, Tax Collector, or their respective agents, deputies or employees, shall operate to
27 release or discharge any obligation for payment of any Assessments imposed by the Board
28 under the provisions of this Ordinance.

29 (B) The number of Assessment Units attributed to a parcel of property may be
30 corrected at any time by the District Manager. Any such correction that reduces any
31 Assessments shall be considered valid from the date on which the Assessments were imposed
32 and shall in no way affect the enforcement of the Assessments imposed under the provisions of

1 this Ordinance. Any such correction which increases any Assessments or imposes Assessments
2 on omitted property shall first require notice to the affected owner in the manner described in
3 Section 4.06 hereof, providing the date, time and place that the Board will consider confirming
4 the correction and offering the owner an opportunity to be heard.

5 (C) After the Assessment Roll has been delivered to the Tax Collector in accordance
6 with the Uniform Assessment Act, any changes, modifications or corrections thereto shall be
7 made in accordance with the procedures applicable to errors and insolvencies for ad valorem
8 taxes.

9 **SECTION 4.15. METHOD OF COLLECTION OF ASSESSMENTS.**

10 Unless directed otherwise by the Board, Assessments shall be collected pursuant to the
11 Uniform Assessment Act, and the District shall comply with all applicable provisions thereof,
12 including but not limited to (1) entering into a written agreement with the Property Appraiser
13 and the Tax Collector for reimbursement of necessary expenses, and (2) adopting a Resolution
14 of Intent after publishing weekly notice of such intent for four consecutive weeks preceding the
15 hearing in accordance with the Uniform Assessment Act. The Resolution of Intent may be
16 adopted either prior to or following the Initial Assessment Resolution; provided however, that
17 the Resolution of Intent must be adopted prior to January 1 (or March 1 with consent of the
18 Property Appraiser and Tax Collector) of the year in which the Assessments are first collected
19 on the ad valorem tax bill. Any hearing or notice required by this Ordinance may be combined
20 with any other hearing or notice required by the Uniform Assessment Act, or any other
21 provision of law.

22 **SECTION 4.16. ALTERNATIVE METHOD OF COLLECTION OF** 23 **ASSESSMENTS.**

24 In lieu of using the Uniform Assessment Act, the District may elect to collect the
25 Assessments by any other method which is authorized by law or provided by law or by this
26 Ordinance as follows:

27 (A) The District shall provide Assessment bills by first class mail to the owner of
28 each affected parcel of property. The bill or accompanying explanatory material shall include:
29 (1) a brief explanation of the Assessments, (2) a description of the Assessment Units used to
30 determine the amount of the Assessments, (3) the number of Assessment Units attributable to
31 the parcel, (4) the total amount of the parcel's Assessment for the appropriate period, (5) the
32 location at which payment will be accepted, (6) the date on which the Assessments are due, and

1 (7) a statement that the Assessments constitute a lien against assessed property equal in rank
2 and dignity with the liens of all state, county, district or municipal taxes and other non-ad
3 valorem assessments.

4 (B) A general notice of the lien resulting from imposition of the Assessments shall
5 be recorded in the Official Record of Palm Beach County, Florida. Nothing herein shall be
6 construed to require that individual liens or releases be filed in the Official Record.

7 (C) The District shall have the right to appoint or retain an agent to foreclose and
8 collect all delinquent Assessments in the manner provided by law. An Assessment shall
9 become delinquent if it is not paid within thirty (30) days from the due date. The District or its
10 agent shall notify any property owner who is delinquent in payment of an Assessment within
11 sixty (60) days from the date such Assessment was due. Such notice shall state in effect that
12 the District or its agent will initiate a foreclosure action and cause the foreclosure of such
13 property subject to a delinquent Assessment in a method now or hereafter provided by law for
14 foreclosure of mortgages on real estate, or otherwise as provided by law.

15 (D) All costs, fees and expenses, including reasonable attorney fees and title search
16 expenses, related to any foreclosure action as described herein shall be included in any
17 judgment or decree rendered therein. At the sale pursuant to decree in any such action, the
18 District may be the purchaser to the same extent as an individual person or corporation. The
19 District may join in one foreclosure action the collection of Assessments against any or all
20 property assessed in accordance with the provisions hereof. All delinquent property owners
21 whose property is foreclosed shall be liable for an apportioned amount of reasonable costs and
22 expenses incurred by the District and its agents, including reasonable attorney fees, in
23 collection of such delinquent Assessments and any other costs incurred by the District as a
24 result of such delinquent Assessments including, but not limited to, costs paid for draws on a
25 credit facility and the same shall be collectible as a part of or in addition to, the costs of the
26 action.

27 (E) In lieu of foreclosure, any delinquent Assessments and the costs, fees and
28 expenses attributable thereto, may be collected pursuant to the Uniform Assessment Act;
29 provided however, that (1) notice is provided to the owner in the manner required by law, and
30 (2) any existing lien of record on the affected parcel for the delinquent Assessments are
31 supplanted by the lien resulting from certification of the Assessment Roll to the Tax Collector.

1 **SECTION 4.17. GOVERNMENT PROPERTY.**

2 (A) If Assessments are imposed against Government Property, the District shall
3 provide Assessment bills by first class mail to the owner of each affected parcel of Government
4 Property. The bill or accompanying explanatory material shall include (1) a brief explanation
5 of the Assessment, (2) a description of the Assessment Units used to determine the amount of
6 the Assessment, (3) the number of Assessment Units attributable to the parcel, (4) the total
7 amount of the parcel's Assessment for the appropriate period, (5) the location at which payment
8 will be accepted, and (6) the date on which the Assessment is due. Provided, however, no
9 Assessments shall be imposed against District or County property.

10 (B) Assessments imposed against Governmental Property shall be due on the same
11 date as Assessments against other property within the District and, if applicable, shall be
12 subject to the same discounts for early payment.

13 (C) An Assessment imposed against Governmental Property shall become
14 delinquent if it is not paid within 30 days from the due date. The District shall notify the owner
15 of any Government Property that is delinquent in payment of its Assessment within 60 days
16 from the date such Assessment was due. Such notice shall state in effect that the District will
17 initiate a mandamus or other appropriate judicial action to compel payment.

18 (D) All costs, fees and expenses, including reasonable attorney fees and title search
19 expenses, related to any mandamus or other action as described herein shall be included in any
20 judgment or decree rendered therein. All delinquent owners of Government Property against
21 which a mandamus or other appropriate action is filed shall be liable for an apportioned amount
22 of reasonable costs and expenses incurred by the District, including reasonable attorney fees, in
23 collection of such delinquent Assessments and any other costs incurred by the District as a
24 result of such delinquent Assessments including, but not limited to, costs paid for draws on a
25 credit facility, and the same shall be collectible as a part of or in addition to, the costs of the
26 action.

27 (E) As an alternative to the foregoing, an Assessment imposed against Government
28 Property may be collected on the bill for any utility service provided to such Governmental
29 Property. The District may contract for such billing services with any other government or
30 utility provider.

1 **SECTION 4.18. RESPONSIBILITY FOR ENFORCEMENT.**

2 The District and its agent, if any, shall maintain the duty to enforce the prompt
3 collection of Assessments by the means provided herein. The duties related to collection of
4 Assessments may be enforced at the suit of any holder of Obligations in a court of competent
5 jurisdiction by mandamus or other appropriate proceedings or actions.

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1 rates, fees, and charges shall be given by one publication in a newspaper published in the
2 County at least ten (10) days before the date fixed in such notice for the hearing which may be
3 adjourned from time to time. After such hearing, such schedule or schedules, either as initially
4 adopted or as modified or amended, may be finally adopted.

5 (D) A copy of the schedule or schedules of such rates, fees, or charges shall be kept
6 on file in the office of the District or County and shall be open to public inspection. The rates,
7 fees, or charges so adopted for any class of users or property served shall be extended to cover
8 any additional users or properties thereafter served which shall fall in the same class, without
9 the necessity of any hearing or notice. Any change or revision of such rates, fees or charges
10 may be made in the same manner as such rates, fees or charges were originally established as
11 hereinabove provided, except that if such changes or revisions be made substantially pro rata as
12 to all classes of service, no hearing or notice shall be required.

13 (E) The District may impose charges for the recovery of all costs and expenditures,
14 including, but not limited to, planning, feasibility studies, construction and engineering
15 document preparation, project development costs, or other costs associated with the planning
16 and development of any facilities or the provision of services. In the event the District
17 determines not to proceed with the construction or implementation of any facilities or the
18 provision of services and reimbursement of all costs and expenditures is not made to the
19 District pursuant to interlocal agreement, grant, or otherwise, the District may identify all
20 unrecovered costs and expenditures associated with the planning and development of such
21 facilities or services and impose a charge on a potential user basis, per parcel basis, or any other
22 basis which reasonably shares and recovers all or a portion of such unrecovered planning and
23 development costs among the parcel owners or potential users for which the facilities or
24 services were planned or developed.

25 **SECTION 5.02. UNPAID RATES, FEES, AND CHARGES; LIENS.**

26 In the event that the rates, fees, or charges for the use of the services, facilities, and
27 products of the District shall not be paid as and when due, any unpaid balance thereof, and all
28 interest accruing thereon, shall be a lien on any parcel or property affected thereby. Such liens
29 shall be superior and paramount to the interest on such parcel or property of any owner, lessee,
30 tenant, mortgagee, or other person except the lien of state, county, and district taxes and other
31 non-ad valorem assessments and shall be on parity with the lien of all such ad valorem property

1 taxes and non-ad valorem assessments. In the event that any such rates, fees, or charges shall
2 not be paid as and when due and shall be in default for 30 days or more, the unpaid balance
3 thereof and any interest accrued thereon not exceeding the legal rate, together with attorneys'
4 fees and costs, may be recovered by the District in a civil action, and any such lien and accrued
5 interest may be foreclosed or otherwise enforced by the District by action or suit in equity as
6 for the foreclosure of a mortgage on real property; or, alternatively, in lieu of foreclosure, an
7 equivalent amount to such outstanding balance charges may be collected pursuant to the
8 Uniform Assessment Act, authorizing the collection of charges in the form of special
9 assessments, therein characterized as non-ad valorem assessments, on parity with the lien of ad
10 valorem taxes. However, any such alternative collection procedure shall provide notice to the
11 landowner in the manner required by law, and any existing lien of record on the affected parcel
12 for the delinquent rate, fee, or charge is supplanted by the lien resulting from the certification of
13 any assessment roll to the tax collector.

14 **SECTION 5.03. IMPACT FEES.**

15 (A) The District is hereby empowered to levy and collect system development
16 charges or impact fees for District Facilities and debt service on Obligations issued therefor
17 within the boundaries of the District under any of the following conditions:

18 (1) Whenever a property owner or his or her authorized representative
19 connects an existing structure or improvement to any District Facilities;

20 (2) Whenever a property owner or his or her authorized representative
21 receives a permit from the Florida Department of Environmental Protection, or its successor in
22 function, to extend or connect to District Facilities or applies for a building permit to construct,
23 install, or alter any structure or improvement where such extension, connection, construction,
24 installation, or alteration increases the potential demand on the District Facilities; or

25 (3) Whenever a property owner or his or her authorized representative
26 applies for a building permit to construct, install, or alter any structure or improvement where
27 such construction, installation, or alteration increases the potential demand on the District
28 Facilities.

29 (B) If the structure or improvement on the property for which impact fees have been
30 paid is not authorized to connect to the District Facilities within ten (10) years after the date of
31 such payment, the property owner holding legal title at the end of the 10-year period shall be

1 eligible for a refund of the impact fees without interest. In such an event, the District shall
2 notify the property owner at the address reflected on the most recent tax roll of his or her
3 eligibility for a refund by mailing notice to the property owner. Such notice shall fairly explain
4 the procedure for applying for a refund and shall be sent by registered mail with return receipt
5 requested. Any property owner eligible for a refund shall file written application with the
6 Board for a refund within ninety (90) days after the date of mailing of the notice by the District,
7 or such property owner shall be deemed to have waived any right to a refund and the District
8 shall be entitled to retain and apply the impact fees for District Facilities. Failure to construct
9 the improvement for which an impact fee has been paid shall not constitute grounds for a
10 refund, nor shall delay or failure to receive the mailed notice of eligibility for a refund toll the
11 90-day time limit within which an application for refund must be filed.

12 (C) All impact fees shall, in accordance with accepted general accounting principles,
13 be segregated from all other funds held by the District and accounted for separately. Except as
14 otherwise provided by any Financing Documents authorizing the issuance of Obligations, such
15 accounts shall not be transferred or used for any purpose other than providing District Facilities
16 necessitated by growth or new demand upon the District Facilities and for payment of debt
17 service on Obligations issued to finance any such District Facilities.

18 (D) Impact Fees shall be reviewed at least every four (4) years by the District to
19 determine that the charges are equitable and proportionate to the current estimate of costs for
20 providing the District Facilities for which the charges are imposed. The initial schedule of
21 impact fees shall be adopted by the Board at such time as is determined by the Board in its sole
22 and absolute discretion. The District may thereafter change or revise the schedule of impact
23 fees upon compliance with the notice and hearing requirements set forth for the adoption of
24 rates, fees, and other charges.

25 (E) The District, in its discretion, may permit the owners of buildings or structures
26 which connect to the District Facilities to pay the impact fees on an installment basis with
27 interest in the form of a special assessment. In the event that the impact fees shall not be paid
28 as and when due, any unpaid balance thereof together with all interest accrued thereon and all
29 reasonable costs of establishing the assessment lien, collection, and statutory discounts may be
30 collected as a non-ad valorem assessment on the same bill, and in the same manner, as property
31 taxes.

1 (F) In addition to and as an alternative to the provisions of subsections (A) through
2 (E) of this Section, the District is empowered to levy and collect impact fees or system
3 development charges within the boundaries of the District in the same manner and to the same
4 extent as a county or municipality.

1 ARTICLE VI

2 ISSUANCE OF OBLIGATIONS

3 SECTION 6.01. GENERAL AUTHORITY.

4 (A) The Board shall have the power and is hereby authorized to provide pursuant to
5 the Financing Documents, at one time or from time to time in one or more series, for the
6 issuance of Obligations of the District, or notes in anticipation thereof, for one or more of the
7 following purposes:

- 8 (1) paying all or part of the Project Cost for any District Facilities;
9 (2) refunding any Obligations or other indebtedness of the District;
10 (3) assuming or repaying the Obligations or other indebtedness relating to
11 District Facilities acquired or leased by the District from a public or private entity;
12 (4) setting aside moneys in a renewal or replacement account;
13 (5) funding a debt service reserve account;
14 (6) capitalizing interest on the Obligations;
15 (7) paying any Transaction Cost or costs of issuance relating to any
16 Obligation; or,
17 (8) any other purpose relating to this Ordinance.

18 (B) The principal of and the interest on each series of Obligations shall be payable
19 from Pledged Revenue, all as determined pursuant to the Financing Documents. The District
20 may grant a lien upon and pledge the Pledged Revenue in favor of the holders of each series of
21 Obligations in the manner and to the extent provided in the Financing Documents. Such
22 Pledged Revenue shall immediately be subject to such lien without any physical delivery
23 thereof, and such lien shall be valid and binding as against all parties having claims of any kind
24 in tort, contract, or otherwise against the District.

25 (C) In addition to the other provisions and requirements of the Uniform Special
26 District Accountability Act and this Ordinance, any resolution of the Board providing for the
27 issuance of Obligations may contain such provisions as the Board deems appropriate.

28 (D) All Obligations issued hereunder shall not be invalid for any irregularity or
29 defect in the proceedings for the issuance and sale thereof and shall be incontestable in the
30 hands of bona fide purchasers for value. No proceedings in respect to the issuance of such
31 Obligations shall be necessary except such as are required by this Ordinance, the Financing

Documents, and general law. The provisions of the Financing Documents shall constitute an irrevocable contract between the District and the holders of the Obligations issued pursuant to the provisions thereof.

(E) The Board may enter into such interest rate swap, hedge or other similar arrangements relating to any Obligations as it deems appropriate.

(F) The Board may secure any Obligations with one or more credit facilities as it deems appropriate.

(G) The Obligations may be validated, at the sole discretion of the Board, pursuant to Chapter 75, Florida Statutes.

SECTION 6.02. TERMS OF THE OBLIGATIONS.

(A) The Obligations of each series shall be dated, shall bear interest at such rate or rates, shall mature at such time or times not exceeding 40 years from their date or dates, and may be made redeemable before maturity, at the option of the District, at such price or prices and under such terms and conditions as shall be determined by the Board pursuant to the Financing Documents. The Board shall determine the form of the Obligations and the manner of executing such Obligations and shall fix the denomination of such Obligations and the place of payment of the principal and interest, which may be at any bank or trust company within or without the state. In case any officer whose signature or facsimile of whose signature shall appear on any Obligations shall cease to be such officer before the delivery of such Obligations, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he or she had remained in office until delivery. The Board may sell Obligations in such manner and for such price as it may determine to be in the best interest of the District in accordance with the terms of the Financing Documents. In addition to the Pledged Revenue, the Obligations may be secured by such credit enhancement as the Board determines to be appropriate pursuant to the Financing Documents. The Obligations may be issued as capital appreciation bonds, current interest bonds, term bonds, serial bonds, variable bonds, or any combination thereof, all as shall be determined pursuant to the Financing Documents.

(B) The proceeds of any series of Obligations shall be used for such purposes, and shall be disbursed in such manner and under such restrictions, if any, as the Board may provide pursuant to the Financing Documents.

1 (C) The Financing Documents may also contain such limitations upon the issuance
2 of additional Obligations as the Board may deem appropriate, and such additional Obligations
3 shall be issued under such restrictions and limitations as may be prescribed by such Financing
4 Documents. The Financing Documents may contain such provisions and terms in relation to
5 the Obligations and the Pledged Revenue as the Board deems appropriate and which shall not
6 be inconsistent herewith.

7 **SECTION 6.03. TEMPORARY OBLIGATIONS; REPLACEMENT.**

8 Prior to the preparation of definitive Obligations of any series, the Board may issue
9 interim receipts, interim certificates, or temporary Obligations, exchangeable for definitive
10 Obligations when such Obligations have been executed and are available for delivery. The
11 Board may also provide for the replacement of any Obligation which shall become mutilated or
12 be destroyed or lost. Obligations may be issued without any other proceedings or the
13 happening of any other conditions or things than those proceedings, conditions, or things which
14 are specifically required by this Ordinance, the Financing Documents, or other applicable laws.

15 **SECTION 6.04. TAXING POWER NOT PLEDGED.**

16 Obligations shall not be deemed to constitute a general Obligation debt of the District or
17 County or a pledge of the faith and credit of the District or County, but such Obligations shall
18 be payable solely from the Pledged Revenue and any moneys received from the credit
19 enhancers of the Obligations in accordance with the terms of the Financing Documents. The
20 issuance of Obligations shall not directly, indirectly, or contingently obligate the District or
21 County to levy or to pledge any form of ad valorem taxation whatsoever therefor. No holder of
22 any such Obligations shall ever have the right to compel any exercise of the ad valorem taxing
23 power on the part of the District or County to pay any such Obligations or the interest thereon
24 or the right to enforce payment of such Obligations or the interest thereon against any property
25 of the District or County, nor shall such Obligations constitute a charge, lien, or encumbrance,
26 legal or equitable, upon any property of the District or County, except the pledged funds in
27 accordance with the terms of the Financing Documents. Provided, however, that nothing
28 herein shall be deemed to prohibit or constrain any pledge of revenues authorized by Section
29 12, Article VII of the Florida Constitution upon a vote of the electors of the District.

30 **SECTION 6.05. TRUST FUNDS.**

31 All Pledged Revenues shall be deemed to be trust funds, to be held and applied solely as
32 provided in the Financing Documents. Such Pledged Revenues may be invested by the District

1 in such manner as provided in the Financing Documents. The Pledged Revenue upon receipt
2 thereof by the District shall be subject to the lien and pledge of the holders of any Obligations
3 or any entity other than the District providing credit enhancement on the Obligations.

4 **SECTION 6.06. REMEDIES OF HOLDERS.**

5 Any holder of Obligations, except to the extent the rights herein given may be restricted
6 by the Financing Documents, may, either at law or in equity, by suit, action, mandamus, or
7 other proceeding, protect and enforce any and all rights under the laws of the state or granted
8 hereunder or under the Financing Documents, and may enforce and compel the performance of
9 all agreements or covenants required by this Ordinance, or by such Financing Documents, to be
10 performed by the District or by any officer thereof.

11 **SECTION 6.07. OBLIGATIONS AS NEGOTIABLE INSTRUMENTS.**

12 All Obligations issued under the provisions of this Ordinance shall have and are hereby
13 declared to have all the qualities and incidents of negotiable instruments.

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ARTICLE VII

GENERAL PROVISIONS

SECTION 7.01. ALTERNATIVE METHOD.

This Ordinance shall be deemed to provide an additional and alternative method for purposes, provisions, and authorizations addressed herein and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing or which may hereafter come into existence. This Ordinance, being necessary for the welfare of the inhabitants of the County, particularly the owners and users of property located within the District, shall be liberally construed to effect the purposes hereof.

SECTION 7.02. CONSTRUCTION OF ORDINANCE.

The provisions of this Ordinance shall be liberally construed to affect its purposes and shall be deemed cumulative, supplemental, and alternative authority for the exercise of the powers provided herein. The exercise of the powers provided in this Ordinance and the issuance of Obligations hereunder shall not be subject to the limitations or provisions of any other law or laws, except to the extent expressly provided herein. In the event of any conflict between any provision of this Ordinance and any applicable law or laws providing cumulative, supplemental, and/or alternative authority to counties and/or such districts for the exercise of the powers provided herein, the least restrictive in favor of the District's powers shall apply.

SECTION 7.03. CONFLICTS.

All ordinances or parts of ordinances in conflict herewith are hereby superseded or repealed to the extent of such conflict.

SECTION 7.04. SEVERABILITY.

The provisions of this Ordinance are severable, and it is the intention to confer the whole or any part of the powers herein provided for, and in case any one or more of the sections or provisions of this Ordinance or the application of such sections or provisions to any situation, circumstance, or person shall for any reason be held to be unconstitutional, such unconstitutionality shall not affect any other sections or provisions of this Ordinance or the application of such sections or provisions to any other situation, circumstance, or person, and it is intended that this Ordinance shall be construed and applied as if such section or provision had not been included herein for any unconstitutional application.

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1 **APPROVED AND ADOPTED** by the Board of County Commissioners of Palm
2 Beach County, Florida, this 16th day of November, 2004.

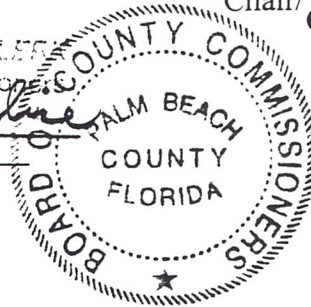
3
4 **PALM BEACH COUNTY, FLORIDA BY ITS**
5 **BOARD OF COUNTY COMMISSIONERS**
6

7
8 By: *Tony Masilotti*
9 Chair/Vice Chair **Tony Masilotti**

10
11 Attest: DOROTHY H. WILKEN, CLERK
12 Board of County Commissioners

13 By: *Judith Cristine*
14 DEPUTY CLERK

15 Clerk of Court



16
17
18 Approved as to form
19 and legal sufficiency:

20
21 *Paul F. [Signature]*
22 County Attorney
23
24
25

26 **EFFECTIVE DATE:** Filed with the Department of State on the 17 day of

27 November, 2004.

APPENDIX A



**Facilities Development &
Operations Department**

**Property & Real Estate
Management Division**
3323 Belvedere Road
Building 503
West Palm Beach, FL 33406-1548
Telephone: (561) 233-0200
Facsimile: (561) 233-0210
www.pbcgov.com/fdo

**Palm Beach County
Board of County
Commissioners**

Karen T. Marcus, Chair
Tony Masilotti, Vice Chairman
Jeff Koons
Warren H. Newell
Mary McCarty
Burt Aaronson
Addie L. Greene

County Administrator
Robert Weisman

"An Equal Opportunity
Affirmative Action Employer"

MEMORANDUM

TO: John Long, Debt Manager
Financial Management & Budget Department

FROM: Ben Williamson, Manager *BW*
Real Estate Development

DATE: October 20, 2004

RE: Scripps

John:

Please find enclosed for your review the following legal descriptions related to the Scripps Projects:

Exhibit "1" Scripp Legal description, Mecca Farms
Exhibit "A" 60' Proposed Right-of-Way - Corbett Area
Exhibit "B" 40' Maintenance Easement - Corbett Area
Exhibit "C" FPL Substation - Corbett Area
Exhibit "D" 1.25 Acre Right-of-Way Parcel - Corbett Area
Exhibit "E" 150" Canal Right-of-Way - Corbett Area

Please let me know if you have any questions. My temporary telephone number is (561) 712-6722.

Thank you,

Ben Williamson, Project Manager, Real Estate Development

Attachments

cc: Ross Hering, Director

G:\BEN W\MEMO JOHN LONG 10.20.04.DOC

10/17/03 12:45 FAX 561 842 3626

*Scripps Legal
Mica Farms*

Exhibit "1"

Legal Description

The West One-Half (1/2) of Section 5, and all of Sections 6 and 7, and the West One-Half (1/2) of Section 8, in Township 42 North, Range 41 East, Palm Beach County, Florida, less the right-of-way of Canal C-18 (a works of the Central and Southern Florida Flood Control District, now known as the South Florida Water Management District.)

Containing 1919.223 acres, more or less.

60' Proposed Right-of-Way
Corbett Easement

EXHIBIT "A"

Page 1 of 2

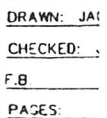
LEGAL DESCRIPTION:

A PARCEL OF LAND IN SECTIONS 12 AND 13, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE EAST QUARTER CORNER OF SAID SECTION 13;
THENCE ALONG THE EAST LINE OF SAID RANGE 40 EAST,
N01°25'15"E FOR 334.69 FEET TO THE WEST QUARTER CORNER OF SECTION 18,
TOWNSHIP 42 SOUTH, RANGE 41 EAST;
THENCE CONTINUE N01°25'15"E FOR 2305.55 FEET TO THE NORTHEAST CORNER OF
SAID SECTION 13;
THENCE CONTINUE N01°25'15"E FOR 376.92 FEET TO THE NORTHWEST CORNER OF
SAID SECTION 18;
THENCE CONTINUE ALONG SAID RANGE LINE, N02°47'38"E FOR 588.05 FEET TO A
NON-TANGENT CURVE, CONCAVE TO THE EAST, HAVING A RADIUS OF 2369.36 FEET,
WHERE A RADIAL LINE BEARS S74°12'47"E;
THENCE SOUTHERLY, ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE
OF 14°21'58" FOR 594.08 FEET TO A POINT OF TANGENCY ON A LINE LYING 60.00
FEET WEST OF, AND PARALLEL WITH, THE SAID EAST LINE OF RANGE 40 EAST;
THENCE ALONG SAID PARALLEL LINE, S01°25'15"W FOR 3018.78 FEET TO THE
EAST-WEST QUARTER SECTION LINE OF SAID SECTION 13;
THENCE ALONG SAID EAST-WEST QUARTER SECTION LINE, N89°52'25"E FOR 60.02 FEET
TO THE POINT OF BEGINNING.

CONTAINING 4.73 ACRES, MORE OR LESS.

Page 2 of 2



PROPOSED 60' R/W
FOR SEMINOLE
PRATT WHITNEY ROAD

40' Proposed Maintenance
Easement
(Corbett Area)

EXHIBIT "B"

Page 1 of 2

LEGAL DESCRIPTION:

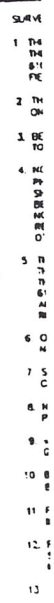
A PARCEL OF LAND IN SECTIONS 12 AND 13, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE EAST QUARTER CORNER OF SAID SECTION 13;
THENCE ALONG THE EAST-WEST QUARTER SECTION LINE OF SAID SECTION 13, S89°52'25"W FOR 60.02 FEET TO THE POINT OF BEGINNING;
THENCE CONTINUE S89°52'25"W FOR 40.01 FEET TO A LINE LYING 100.00 FEET WEST OF, AND PARALLEL WITH, THE EAST LINE OF SAID RANGE 40 EAST;
THENCE ALONG SAID PARALLEL LINE, N01°25'15"E FOR 3019.86 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 2409.36 FEET;
THENCE NORTHERLY, ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 14°21'58" FOR 604.11 FEET TO A POINT OF TANGENCY;
THENCE N15°47'13"E FOR 173.35 FEET TO THE SAID EAST LINE OF RANGE 40 EAST;
THENCE ALONG SAID EAST LINE, S02°47'38"W FOR 177.91 FEET TO A NON-TANGENT CURVE, CONCAVE TO THE EAST, CONCENTRIC WITH THE LAST-DESCRIBED CURVE, AND HAVING A RADIUS OF 2369.36 FEET;
THENCE SOUTHERLY, ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 14°21'58" FOR 594.08 FEET TO A POINT OF TANGENCY ON A LINE LYING 60.00 FEET WEST OF, AND PARALLEL WITH, THE SAID EAST LINE OF RANGE 40 EAST;
THENCE ALONG SAID PARALLEL LINE, S01°25'15"W FOR 3018.78 FEET TO THE SAID EAST-WEST LINE QUARTER SECTION LINE OF SECTION 13 AND THE POINT OF BEGINNING.

CONTAINING 3.40 ACRES, MORE OR LESS.

LESS THE FOLLOWING DESCRIBED PARCEL:

COMMENCE AT THE INTERSECTION OF THE EASTERLY LINE OF A 185' FPL EASEMENT, RECORDED IN OFFICIAL RECORD BOOK 765, PAGE 68, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, WITH A LINE LYING 250.00 FEET WEST OF, AND PARALLEL WITH, THE EAST LINE OF SAID SECTION 13;
THENCE ALONG SAID PARALLEL LINE, N01°25'15"E FOR 404.01 FEET;
THENCE S88°34'45"E FOR 150.00 FEET TO A LINE LYING 100.00 FEET WEST OF, AND PARALLEL WITH, THE SAID EAST LINE OF SAID SECTION 13 AND THE POINT OF BEGINNING;
THENCE CONTINUE S88°34'45"E FOR 40.00 FEET TO A LINE LYING 60.00 FEET WEST OF, AND PARALLEL WITH, THE SAID EAST LINE OF SAID SECTION 13;
THENCE ALONG SAID PARALLEL LINE, N01°25'15"E FOR 50.00 FEET;
THENCE N88°34'45"W FOR 40.00 FEET
THENCE CONTINUE N88°34'45"W FOR 60.00 FEET TO THE POINT OF BEGINNING



PROFESSIONAL SURVEYING SERVICES
 CERTIFICATE OF AUTHORIZATION # LB 6473
 3060 NORTH HAVERHILL ROAD, SUITE 105, WEST PALM BEACH, FL 33417 (561) 615-3988 FAX (561) 615-3986

SKETCH OF BOUNDARY AND TOPOGRAPHIC SURVEY

PROPOSED 40' R/W
FOR SFWMD CANAL
MAINTENANCE AND
EQUESTRIAN

DRAWN: JAC
CHECKED: J
F.B.
PAGES:

*FPL Substation
(Corbett Area)*

EXHIBIT "C"

Page 1 of 2

LEGAL DESCRIPTION:

A PARCEL OF LAND IN SECTION 13, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE EASTERLY LINE OF A 185' FPL EASEMENT, RECORDED IN OFFICIAL RECORD BOOK 765, PAGE 68, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, WITH A LINE LYING 250.00 FEET WEST OF, AND PARALLEL WITH, THE EAST LINE OF SAID SECTION 13; THENCE ALONG SAID PARALLEL LINE, N01°25'15"E FOR 404.01 FEET; THENCE S88°34'45"E FOR 190.00 FEET TO A LINE LYING 60.00 FEET WEST OF, AND PARALLEL WITH, THE SAID EAST LINE OF SAID SECTION 13; THENCE ALONG SAID PARALLEL LINE, N01°25'15"E FOR 50.00 FEET; THENCE N88°34'45"W FOR 190.00 FEET TO SAID LINE LYING 250.00 FEET WEST OF, AND PARALLEL WITH, THE SAID EAST LINE OF SAID SECTION 13; THENCE ALONG SAID PARALLEL LINE, N01°25'15"E FOR 400.00 FEET; THENCE N88°34'45"W FOR 627.90 FEET TO THE SAID EASTERLY LINE OF A 185' FPL EASEMENT; THENCE ALONG SAID EASTERLY LINE, S34°54'14"E FOR 1060.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 6.37 ACRES, MORE OR LESS.

Page 2 of 2

EAST QUARTER CORNER
OF SECTION 13/42/40

SECTION 13/42/40

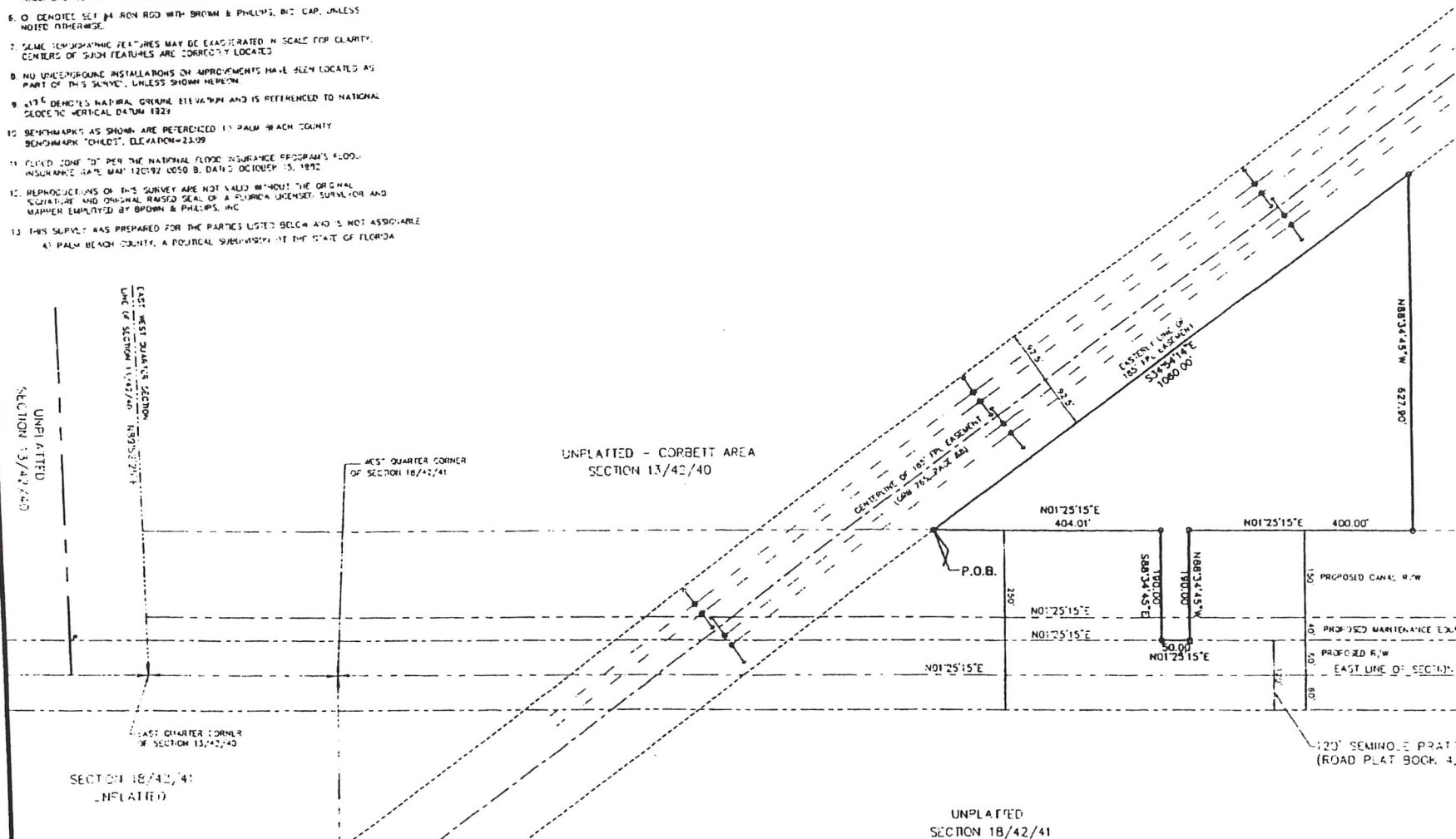
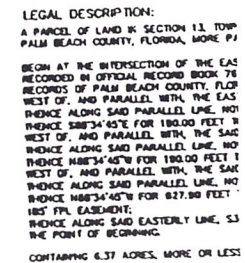
UNPLATED

EAST QUARTER CORNER
OF SECTION 18/42/41

SECTION 18/42/41

UNPLATED

WEST QUARTER CORNER
OF SECTION 18/42/41

[illegible]

BROWN & PHILLIPS, INC.
PROFESSIONAL SURVEYING SERVICES
CERTIFICATE OF AUTHORIZATION # LB 6473
3969 NORTH HAVERHILL ROAD, SUITE 105, WEST PALM BEACH, FL. 33417 (561) 615-3988 FAX (561) 615-3986

SKETCH OF
BOUNDARY AND
TOPOGRAPHIC SURVEY

PROPOSED
FPL SUBSTATION

DRAWN: JAO
CHECKED: JE
F.B.
PAGES.

EXHIBIT "D"

Page 1 of 2

*1.25 Acres for
Right-of-Way
(Corbett Area)*

LEGAL DESCRIPTION: PARCEL 102

A PARCEL OF LAND SITUATE IN SECTION 24, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA;

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 24; THENCE, ALONG THE EAST LINE OF SAID SECTION 24, SOUTH 00°27'06" EAST, A DISTANCE OF 420.00 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 1000.00 FEET FROM WHICH A RADIAL LINE BEARS SOUTH 67°48'29" WEST; THENCE, DEPARTING SAID EAST LINE, NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 30°45'03", A DISTANCE OF 536.70 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 24; THENCE, ALONG SAID NORTH LINE, SOUTH 89°56'23" EAST, A DISTANCE OF 320.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 54498.51 SQUARE FEET OR 1.25 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RIGHTS-OF-WAY OF RECORD.

ALL BEARINGS SHOWN HEREON ARE BASED ON THE EAST LINE OF SECTION 24, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, SAID LINE IS ASSUMED TO BEAR SOUTH 00°27'06" EAST.

EXHIBIT "D"

Page 2 of 2

LEGEND:
 Δ - DELTA ANGLE
 CL - CENTERLINE
 AC. - ACRES
 D.B. - DEED BOOK
 L - ARC LENGTH
 P.B. - PLAT BOOK
 PGS. - PAGES
 (100) - PARCEL NUMBER
 P.O.B. - POINT OF BEGINNING
 R - RADIUS
 R/W - RIGHT-OF-WAY
 S.R. - STATE ROAD
 SQ.FT. - SQUARE FEET
 \bigcirc - SET 5/8" IRON ROD AND CAP LB#6674

LEGAL DESCRIPTION: PARCEL 102

A PARCEL OF LAND SITUATE IN SECTION 24, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA;

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 24; THENCE, ALONG THE EAST LINE OF SAID SECTION 24, SOUTH 00°27'06" EAST, A DISTANCE OF 420.00 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 1000.00 FEET FROM WHICH A RADIAL LINE BEARS SOUTH 67°48'29" WEST; THENCE, DEPARTING SAID EAST LINE, NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 30°45'03", A DISTANCE OF 536.70 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 24; THENCE, ALONG SAID NORTH LINE, SOUTH 89°56'23" EAST, A DISTANCE OF 320.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 54498.51 SQUARE FEET OR 1.25 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RIGHTS-OF-WAY OF RECORD.

ALL BEARINGS SHOWN HEREON ARE BASED ON THE EAST LINE OF SECTION 24, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, SAID LINE IS ASSUMED TO BEAR SOUTH 00°27'06" EAST.

CERTIFIED TO:

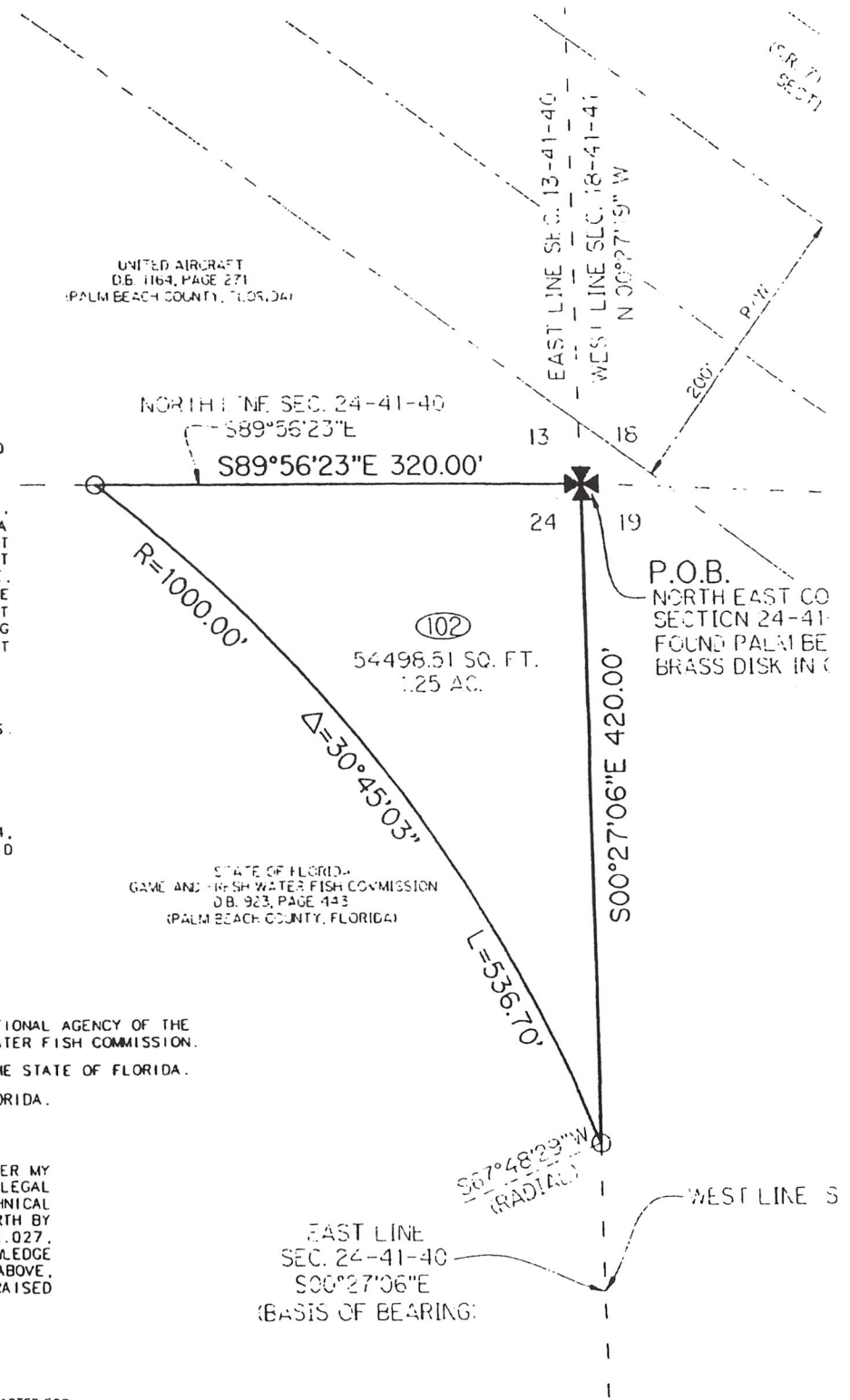
1. U.S. FISH AND WILDLIFE SERVICE.
2. FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION, A CONSTITUTIONAL AGENCY OF THE STATE OF FLORIDA, AS SUCCESSOR TO THE FLORIDA GAME AND FRESHWATER FISH COMMISSION.
3. BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA.
4. PALM BEACH COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA.

CERTIFICATION:

I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON WAS PREPARED UNDER MY DIRECTION FOR THE PURPOSE OF BOUNDARY SURVEY ACCORDING TO THE LEGAL DESCRIPTION SHOWN HEREON AND IS IN ACCORDANCE WITH THE MINIMUM TECHNICAL STANDARDS CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, AS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SURVEY IS ONLY VALID FOR THE PURPOSE AS STATED ABOVE, FOR WHICH IT IS INTENDED. NOT VALID WITHOUT THE SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

David L. Smith
 DAVID L. SMITH, P.S.M.
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA REGISTRATION NO. 4951

NOTE: LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RESTRICTIONS, RIGHTS-OF-WAY AND EASEMENTS OF RECORD.



150' Canal Right-of-Way
(Corbett Area)

EXHIBIT "E"

Page 1 of 2

LEGAL DESCRIPTION:

A PARCEL OF LAND IN SECTIONS 12 AND 13, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE EAST QUARTER CORNER OF SAID SECTION 13;
THENCE ALONG THE EAST-WEST QUARTER SECTION LINE OF SAID SECTION 13, S89°52'25"W FOR 100.03 FEET TO A LINE LYING 100.00 FEET WEST OF, AND PARALLEL WITH, THE EAST LINE OF SAID RANGE 40 EAST, AND THE POINT OF BEGINNING;
THENCE ALONG SAID PARALLEL LINE, N01°25'15"E FOR 3019.86 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 2409.36 FEET;
THENCE NORTHERLY, ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 14°21'58" FOR 604.11 FEET TO A POINT OF TANGENCY;
THENCE N15°47'13"E FOR 173.35 FEET TO THE SAID EAST LINE OF RANGE 40 EAST;
THENCE ALONG SAID EAST LINE, N02°47'38"E FOR 487.45 FEET TO A NON-TANGENT CURVE, CONCAVE TO THE EAST, HAVING A RADIUS OF 1564.01 FEET, WHERE A RADIAL LINE BEARS S61°09'40"E;

THENCE SOUTHERLY, ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 13°03'07" FOR 356.28 FEET TO A POINT OF TANGENCY;
THENCE S15°47'13"W FOR 295.12 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 2559.36 FEET;
THENCE SOUTHERLY, ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 14°21'58" FOR 641.72 FEET TO A POINT OF TANGENCY ON A LINE LYING 250.00 FEET WEST OF, AND PARALLEL WITH, THE SAID EAST LINE OF RANGE 40 EAST;
THENCE ALONG SAID PARALLEL LINE, S01°25'15"W FOR 3023.91 FEET TO THE SAID EAST-WEST QUARTER SECTION LINE OF SECTION 13;
THENCE ALONG SAID EAST-WEST QUARTER SECTION LINE, N89°52'25"E FOR 150.05 FEET TO THE POINT OF BEGINNING.

CONTAINING 14.09 ACRES, MORE OR LESS.

LESS THE FOLLOWING DESCRIBED PARCEL:

COMMENCE AT THE INTERSECTION OF THE EASTERLY LINE OF A 185' FPL EASEMENT, RECORDED IN OFFICIAL RECORD BOOK 765, PAGE 68, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, WITH A LINE LYING 250.00 FEET WEST OF, AND PARALLEL WITH, THE EAST LINE OF SAID SECTION 13;
THENCE ALONG SAID PARALLEL LINE, N01°25'15"E FOR 404.01 FEET TO THE POINT OF BEGINNING;

THENCE S88°34'45"E FOR 150.00 FEET TO A LINE LYING 100.00 FEET WEST OF. AND PARALLEL WITH. THE SAID EAST LINE OF SAID SECTION 13;

